

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

DONALD IGO,
Plaintiff

V.

BMT, LLC d/b/a GAS LAMP GRILLE,
Defendant

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C. A. No.

COMPLAINT AND DEMAND FOR JURY TRIAL

PARTIES

1. The plaintiff, Donald Igo (hereinafter “Igo”), is an individual who resides in Needham, Massachusetts.
2. The defendant, BMT, LLC, is a Rhode Island limited liability corporation doing business as the Gas Lamp Grille (hereinafter “Grille”), a restaurant and tavern located at 206 Thames Street, Newport, Rhode Island.

JURISDICTION

3. The Court has jurisdiction in this matter pursuant to the provisions of 28 USCS §1332(a).

FACTS

4. On or about February 22, 2018, the plaintiff, Igo, then 20 years old, was a patron of the defendant Grille and a “minor” as defined under RIGL §3-14-3(f).
5. On or about February 22, 2018, the plaintiff Igo was a student at Salve Regina University and was a member of the varsity soccer team.
6. On several occasions, the plaintiff Igo and other members of the Salve Regina University varsity soccer team had previously gone to the defendant Grille and been served intoxicating beverages without having to provide proof that they were of legal age to be served alcohol.

COUNT I – DRAM SHOP ACT
NEGLIGENCE

7. The plaintiff Igo repeats, re-alleges and incorporates by reference, as though fully set forth herein, paragraphs 1 – 6 of the Complaint.
8. The defendant Grille knew or should have known, both prior to and on February 22, 2018, that the plaintiff Igo was a minor prohibited by law from being served intoxicating beverages.
9. On February 22 and 23, 2018, the defendant Grille negligently sold the then-minor plaintiff Igo intoxicating beverages, in violation of RIGL §3-14-16.
10. As the direct and proximate result of the defendant Grille selling these intoxicating beverages to the then-minor plaintiff Igo, he became intoxicated and was caused to suffer serious and permanent injuries to his head, arms, face, jaws and teeth on or about February 23, 2018.
11. As a result of the accident occurring on February 23, 2018, the plaintiff Igo has incurred extraordinary hospital and medical expenses, lost tuition, room and board expenses and lost wages.
12. As a result of the accident occurring on February 23, 2018, the plaintiff Igo continues to suffer from debilitating injuries, which will require future medical treatment.
13. As a result of the accident occurring on February 23, 2018, the plaintiff Igo has suffered serious emotional distress and mental impairment which prevented him from completing his college studies and has adversely affected prospects for future employment.

WHEREFORE, the plaintiff, Donald Igo, demands judgment against the defendant BMT, LLC d/b/a Gas Lamp Grille, plus interest and costs as provided by law.

COUNT II – DRAM SHOP ACT
NEGLIGENCE

14. The plaintiff Igo repeats, re-alleges and incorporates by reference, as though fully set forth herein, paragraphs 1 – 13 of the Complaint.

15. The defendant Grille knew, or should have known, prior to and on February 22, 2018, that the plaintiff Igo was a minor prohibited by law from being served intoxicating beverages.
16. On February 22 and 23, 2018, the defendant Grille negligently sold the then-minor plaintiff Igo certain intoxicating beverages when he was visibly intoxicated, in violation of RIGL §3-14-16.
17. As the direct and proximate result of said negligent sales made by the defendant Grille, the then-minor plaintiff Igo became even more greatly intoxicated and was caused to suffer serious and permanent injuries to his head, arms, face, jaws and teeth on February 23, 2018.
18. As a result of the accident occurring on February 23, 2018, the plaintiff Igo has incurred extraordinary hospital and medical expenses, lost tuition, room and board expenses and lost wages.
19. As a result of the accident occurring on February 23, 2018, the plaintiff Igo continues to suffer from debilitating injuries, which will require future medical treatment.
20. As a result of the accident occurring on February 23, 2018, the plaintiff Igo has suffered serious emotional distress and mental impairment which prevented him from completing his college studies and has adversely affected prospects for future employment.

WHEREFORE, the plaintiff, Donald Igo, demands judgment against the defendant, BMT, LLC d/b/a Gas Lamp Grille, plus interest and costs as provided by law.

COUNT III – DRAM SHOP ACT
RECKLESS CONDUCT

21. The plaintiff, Donald Igo, repeats, re-alleges and incorporates by reference, as though fully set forth herein, paragraphs 1 – 20 of the Complaint.
22. The defendant Grille knew, or should have known, prior to and on February 22, 2018, that the plaintiff Igo was a minor prohibited by law from being served intoxicating beverages.
23. On February 22 and 23, 2018, the defendant Grille recklessly sold the then-minor plaintiff Igo intoxicating beverages in violation of RIGL §3-14-7.

24. As the direct and proximate result of the defendant Grille making said reckless sales, the then-minor plaintiff Igo became intoxicated and was caused to suffer serious and permanent injuries to his head, arms, face, jaws and teeth on February 23, 2018.
25. As a result of the accident occurring on February 23, 2018, the plaintiff Igo has incurred extraordinary hospital and medical expenses, lost tuition, room and board expenses and lost wages.
26. As a result of the accident occurring on February 23, 2018, the plaintiff Igo continues to suffer from debilitating injuries, which will require future medical treatment.
27. As a result of the accident occurring on February 23, 2018, the plaintiff Igo has suffered serious emotional distress and mental impairment which prevented him from completing his college studies and has adversely affected prospects for future employment.

WHEREFORE, the plaintiff, Donald Igo, demands judgment against the defendant BMT, LLC d/b/a Gas Lamp Grille, plus interest, costs, attorney's fees and punitive damages as provided by law.

COUNT IV – DRAM SHOP ACT
RECKLESS CONDUCT

28. The plaintiff, Igo, repeats, re-alleges and incorporates by reference, as though fully set forth herein, paragraphs 1 – 27 of the Complaint.
29. The defendant Grille knew, or should have known, prior to and on February 22, 2018, that the plaintiff Igo was a minor prohibited by law from being served intoxicating beverages.
30. On February 22 and 23, 2018, the defendant Grille recklessly sold the then-minor Igo plaintiff intoxicating beverages when he was visibly intoxicated, in violation of RIGL §3-14-7.
31. As the direct and proximate result of the defendant Grille making said reckless sales, the then-minor plaintiff Igo became even more greatly intoxicated, and was caused to suffer serious and permanent injuries to his head, arms, face, jaws and teeth on February 23, 2018.

32. As a result of the accident occurring on February 23, 2018, the plaintiff Igo has incurred extraordinary hospital and medical expenses, lost tuition, room and board expenses and lost wages.
33. As a result of the accident occurring on February 23, 2018, the plaintiff Igo continues to suffer from debilitating injuries, which will require future medical treatment.
34. As a result of the accident occurring on February 23, 2018, the plaintiff Igo has suffered serious emotional distress and mental impairment which prevented him from completing his college studies and has adversely affects his prospects for future employment.

WHEREFORE, the plaintiff, Donald Igo, demands judgment against the defendant, BMT, LLC d/b/a Gas Lamp Grille, plus interest, costs, attorney's fees and punitive damages as provided by law.

DEMAND FOR JURY TRIAL

The plaintiff, Donald Igo, demands a trial by jury on all issues.

DONALD IGO
By his Attorneys,

/s/ Michael W. Garland
John B. Harwood #2093
jharwood@harwoodgarland.com
Michael W. Garland #6394
mgarland@harwoodgarland.com
HARWOOD & GARLAND, LLC
9 Thurber Boulevard, Suite D
Smithfield, RI 02917
(401) 723-9655